

ORDINANCE NO. 2006 - 029

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR PRIVATELY INITIATED AMENDMENT **LANTANA/SR 7 RESIDENTIAL (LGA 2006-00010)**, MODIFYING PAGE 80 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 26.23 ACRES, GENERALLY LOCATED ON THE SOUTH SIDE OF LANTANA ROAD, APPROXIMATELY 1,500 FEET WEST OF STATE ROAD 7 (US 441), FROM RURAL RESIDENTIAL, 1 UNIT PER 10 ACRES (RR-10) TO LOW RESIDENTIAL, 1 UNIT PER 1 ACRE (LR-1) AND INCLUSION INTO THE URBAN/SUBURBAN TIER; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

**WHEREAS**, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

**WHEREAS**, the Palm Beach County Local Planning Agency conducted its public hearings on February 10, 24 and March 24, 2006 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 5, 2006 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, Palm Beach County received on the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June 23, 2006 which was the Department's written review of the

1 proposed Comprehensive Plan amendments; and

2       **WHEREAS**, on August 21, 2006 the Palm Beach County Board of County  
3 Commissioners held a public hearing to review the written comments  
4 submitted by the Department of Community Affairs and to consider  
5 adoption of the amendments; and

6       **WHEREAS**, the Palm Beach County Board of County Commissioners has  
7 determined that the amendments as modified satisfy the concerns  
8 addressed in the Department of Community Affairs' "Objections,  
9 Recommendations and Comments Report" and comply with all requirements  
10 of the Local Government Comprehensive Planning and Land Development  
11 Regulations Act.

12       **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
13 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

14       **Part I. Amendments to the Future Land Use Atlas of the Land Use**  
15 **Element of the 1989 Comprehensive Plan**

16       The following amendments to the Land Use Element's Future Land  
17 Use Atlas are hereby adopted and attached to this Ordinance:

18       **A. Future Land Use Atlas page 80 is amended as follows:**

19       **Application No.:**       **Lantana/SR 7 Residential (LGA 2006-00010)**

20       **Amendment:**       From Rural Residential, 1 unit per 10 acres  
21                               (RR-10) to Low Residential, 1 unit per 1  
22                               acre (LR-1) and inclusion into the  
23                               Urban/Suburban Tier;

24       **General Location:**   south side of Lantana Road, approximately  
25                               1,500 feet west of State Road 7 (US 441);

26       **Size:**               Approximately 26.23 acres;

27       **Part II. Repeal of Laws in Conflict**

28       All local laws and ordinances applying to the unincorporated area  
29 of Palm Beach County in conflict with any provision of this ordinance  
30 are hereby repealed to the extent of such conflict.

31       **Part III. Severability**

32       If any section, paragraph, sentence, clause, phrase, or word of  
33 this Ordinance is for any reason held by the Court to be  
34 unconstitutional, inoperative or void, such holding shall not affect  
35 the remainder of this Ordinance.

1 Part IV. Inclusion in the 1989 Comprehensive Plan

2 The provision of this Ordinance shall become and be made a part  
3 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the  
4 Ordinance may be renumbered or relettered to accomplish such, and the  
5 word "ordinance" may be changed to "section," "article," or any other  
6 appropriate word.

7 Part V. Effective Date

8 The effective date of this plan amendment shall be the date a  
9 final order is issued by the Department of Community Affairs or  
10 Administration Commission finding the amendment in compliance in  
11 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is  
12 applicable. No development orders, development permits, or land uses  
13 dependent on this amendment may be issued or commence before it has  
14 become effective. If a final order of noncompliance is issued by the  
15 Administration Commission, this amendment may nevertheless be made  
16 effective by adoption of a resolution affirming its effective status,  
17 a copy of which resolution shall be sent to the Florida Department of  
18 Community Affairs, Division of Community Planning, Plan Processing  
19 Team. An adopted amendment whose effective date is delayed by law  
20 shall be considered part of the adopted plan until determined to be  
21 not in compliance by final order of the Administration Commission.  
22 Then, it shall no longer be part of the adopted plan unless the local  
23 government adopts a resolution affirming its effectiveness in the  
24 manner provided by law.

25 **APPROVED AND ADOPTED** by the Board of County Commissioners of  
26 Palm Beach County, on the 21st day of August, 2006.

27 ATTEST:

28 SHARON R. BOCK, CLERK

29 PALM BEACH COUNTY, FLORIDA,

30 BY ITS BOARD OF COUNTY COMMISSIONERS

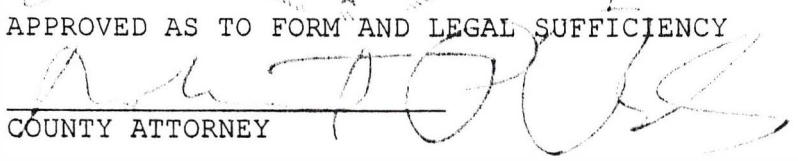
31 By:  32

33 Deputy Clerk

34 By:  35

36 for Tony Masilotti, Chairman

37 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

38  39  
40 COUNTY ATTORNEY

41 Filed with the Department of State on the 29th day  
42 of August, 2006.

## EXHIBIT 1

**Amendment No.:** Lantana/SR-7 Residential (LGA 2006-00010)

**FLUA Page No.:** 80

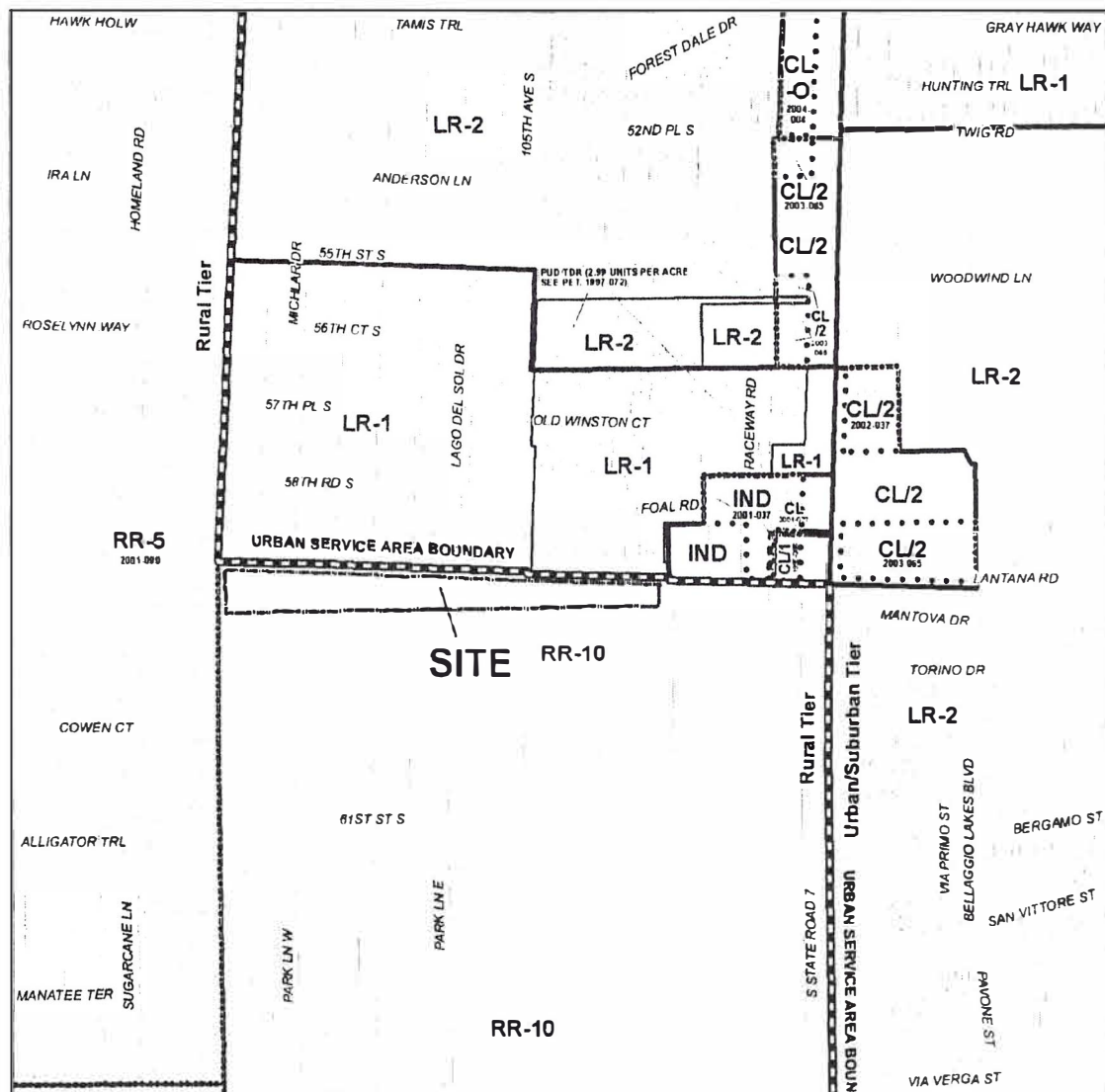
**Amendment:** From Rural Residential, 1 unit per 10 acres (RR-10) to Low Residential, 1 unit per acre (LR-1) and Inclusion into the Urban/Suburban Tier

**Location:** South side of Lantana Road, approximately 1,500 feet west of State Road 7/441

**Size:** Approximately 26.23 acres

**Property No.:** 00-41-44-37-00-037-0021

**Legal Description:** See attached





**LEGAL DESCRIPTION:**

A PARCEL OF LAND IN LOTS 2, 3, AND 4, BLOCK 37, LANTANA HIATUS, IN TOWNSHIP 44 1/2 SOUTH, RANGE 41 E, PALM BEACH COUNTY, FLORIDA, SAID PARCEL CONTAINING 26.0 ACRES, MORE OR LESS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE U.S. GOVERNMENT LAND OFFICE MONUMENT MARKING THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 41 E, WHICH MONUMENT IS ALSO THE NORTHEAST CORNER OF SAID BLOCK 37 OF THE LANTANA HIATUS; RUN THENCE NORTH 88°08'25" WEST, ALONG THE NORTH LINE OF SAID BLOCK 37, WHICH LINE IS ALSO THE TOWNSHIP LINE, A DISTANCE OF 1529.00 FEET TO THE NORTHEAST CORNER AND POINT OF BEGINNING OF THE PARCEL; THENCE CONTINUE NORTH 88°08'25" WEST ON SAID TOWNSHIP LINE A DISTANCE OF 3872.67 FEET TO THE NORTHWEST CORNER OF SAID LOT 4, BLOCK 37, THENCE RUN SOUTH 0°04'08" EAST ON THE WEST LINE OF SAID LOT 4, A DISTANCE OF 369.30 FEET TO THE SOUTHWEST CORNER THEREOF, THENCE RUN NORTH 89°42'20" EAST ON THE SOUTH LINE OF LOTS 4, 3 AND 2 OF SAID BLOCK 37, A DISTANCE OF 3863.82 FEET; THENCE RUN NORTH 01°37'50" EAST A DISTANCE OF 224.72 FEET TO THE POINT OF BEGINNING. (PROPERTY CONTROL NO. 00-41-44-37-00-037-0021).

LESS THAT PORTION DESCRIBED IN RIGHT OF WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 6473, PAGE 1608, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

A PARCEL OF LAND IN LOT 2, BLOCK 37, LANTANA HIATUS, IN TOWNSHIP 44 1/2 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 41 EAST; SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID BLOCK 37 OF THE LANTANA HIATUS:

THENCE RUN NORTH 88°08'25" WEST, ALONG THE NORTH LINE OF SAID BLOCK 37, WHICH LINE IS ALSO THE TOWNSHIP LINE, A DISTANCE OF 1529.00 FEET TO THE NORTHEAST CORNER AND THE POINT OF BEGINNING.

THENCE CONTINUE NORTH 88°08'25" WEST, ALONG SAID TOWNSHIP LINE, A DISTANCE OF 267.96 FEET; THENCE, SOUTH 83°13'05" EAST, A DISTANCE OF 208.63 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT SAID CURVE HAVING A RADIUS OF 1925 FEET, A CENTRAL ANGLE OF 01°47'46" AND A CHORD BEARING OF SOUTH 84°06'58" EAST; THENCE, EASTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 60.34 FEET TO THE END OF SAID CURVE; THENCE, NORTH 01°37'50" EAST, A DISTANCE OF 22.14 FEET TO THE POINT OF BEGINNING.

STATE OF FLORIDA, COUNTY OF PALM BEACH,  
I, SHARON R. LOOK, Clerk & Comptroller certify,  
this to be a true and correct copy of the original  
filed in my office on **AUG 21 2006**

dated at West Palm Beach, FL on **9-7-2006**

By: *Julie C. [Signature]*  
Deputy Clerk

